

Oakland, San Francisco and San Jose Divisions

Revised ECF Exemption Procedures

Summary. All documents filed in any case or adversary proceeding after January 1, 2005 must be filed electronically, unless exempted by the court. The court will not refuse any document for filing, but attorneys who file paper documents without an exemption may be subject to sanctions. Nonexempt attorneys who have not received ECF training must schedule such training promptly and may be subject to sanctions if they fail to attend their scheduled training session, or if they file paper documents more than 15 days after completing ECF training without a further exemption. Pro se litigants who are not attorneys are not subject to mandatory electronic filing.

Infrequent-filers. Attorneys (other than those representing Chapter 11 debtors) who file documents infrequently are automatically exempt from electronic filing.

List of filers who are not exempt. The court maintains a list of filers who are not exempt from mandatory ECF filing which is posted on the court's website. Attorneys on this list must obtain an electronic login and password as soon as possible. A list of available ECF training dates is posted on the court's website.

The list of attorneys who are not exempt from mandatory ECF filing is updated periodically. Attorneys should check the list before any new filings to determine whether they continue to have an automatic exemption. Any attorney who is newly added to the list will receive an automatic exemption of *30 days from the date the list is posted* and must obtain ECF training promptly. Attorneys with an automatic 30 day exemption will be designated with an asterisk "*" next to their name.

If an exemption was previously granted for filing on a specific case, that exemption will be honored *for that case only*. Attorneys who are not exempt but were granted a specific case exemption will be designated with a double asterisk "**" next to their name.

Attorneys who have completed ECF training, but who have not yet obtained a login and password, are automatically exempt from electronic filing for 15 days to complete their preparation for ECF filing.

Temporary exemption. The court may grant a temporary exemption from electronic filing where exceptional circumstances justify such relief. A request for a temporary exemption should be submitted in writing and should state that the requesting attorney is named on the current list of filers who are not exempt and describe in detail the circumstances justifying the request. The request should be submitted with the paper documents.

Out-of-district attorneys. The court's electronic filing requirements and the exemptions thereto apply to all attorneys, whether or not located in the district, and whether or not admitted to practice in the district.

Sanctions. Any non-exempt attorney who files documents in paper form may be subject to monetary and other sanctions.

SANTA ROSA (EUREKA) DIVISION

All pleadings in this division shall be filed electronically with only the following exceptions:

1. Attorneys or law firms which did not file any pleading in this division in the previous calendar year may file *one* pleading in paper in this calendar year. If the pleading is more than 10 pages in length, it shall be accompanied by a disk containing the entire pleading in .pdf format.
2. Pro se litigants. Provided, however, that any pleading subsequent to the lead documents in a new case in excess of 10 pages and any pleading filed within seven calendar days of a prior filing shall be accompanied by a disk containing the entire pleading in .pdf format.

Leave to deviate from the above requirements may be granted only by the Judge upon application with proposed order e-mailed in .wpd or .doc format to Dawn_Orders@canb.uscourts.gov. Lack of computer equipment, computer illiteracy, or lack of ECF training will generally not be valid excuses.

When an attorney or party attempts a filing in violation of the above requirements, the following procedure shall be followed:

1. The purported pleading will be scanned by the Clerk and filed unless it is so lengthy as to be burdensome, in which case the Clerk shall immediately obtain an order striking a portion of the pleading and shall scan and file the remainder.
2. The Clerk shall issue an Order to Show Cause why the pleading should not be stricken and the filer sanctioned. The hearing date shall be the next law and motion calendar which is more than five days from the issuance of the OSC. No telephonic appearances will be allowed.
3. If the court disallows the filing, an order will be issued striking the pleading from the record.
4. If the court conditions the filing on payment of a fine and the fine is not paid within three court days, the pleading will be stricken from the record.